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No. 17

SOME MUNICIPAL PROBLEMS  
—  
THAT VEXED THE FOUNDERS,



“STEADFAST FOR GOD AND COUNTRY”

AN ADDRESS BY  
REV. WILLIAM REED EASTMAN  
Past Chaplain-General and Past Historian-General  
DELIVERED BEFORE  
THE NEW YORK SOCIETY  
OF THE  
ORDER OF THE FOUNDERS AND  
PATRIOTS OF AMERICA  
AT THE HOTEL MANHATTAN, NEW YORK  

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William Reed Eastman  
Some municipal problems that  
vexed the founders,

THE NEW YORK SOCIETY  
OF THE  
ORDER OF THE FOUNDERS AND PATRIOTS OF AMERICA

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# Some Municipal Problems that Vexed the Founders.

BY REV. WILLIAM REED EASTMAN

Mr. Governor, Ladies and Gentlemen, and Associates of the  
Order of the Founders and Patriots of America :

There is a great difference between the discovery of a new country and the founding of a nation. Discovery is usually the result of carefully laid plans, great sacrifices and persistent, even heroic, effort. But when it is done it is done, and the fame of the discoverer is secure, or, at least, the only remaining effort required of him is to defend his record against the claims of others who will say they have done the same thing before him.

But the founder begins where the discoverer stops, where there is everything to be done and almost nothing at all to do it with. At the point where the quest of the first has culminated in a glorious moment of success, the other, the founder, enters upon a life of toil without romance, of trouble and suffering without glory ; felling the forests, breaking up the soil, fighting the Indians, persuading his neighbors or compelling them to live in neighborly ways, in honesty and justice to one another ; holding back the turbulent, punishing the criminal, rewarding the honorable and building up a state by living through years of dull routine ; not getting much praise for it and himself so far lost in the crowd that his very name is forgotten for 300 years, waiting for the recognition of these ancestral orders. The pioneer has not only to contend with cold and heat and storm, by which nature in the wilderness tests the mettle of the first intruders, but is compelled also to face that wretched common selfishness which always comes to the surface in the presence of disappointment and want. Drudgery and hunger—which stands for unsuccessful drudgery—will take the heroism out of common men, and when they see that their wives and children also are hungry and no relief is in sight it is little wonder if they become discontented and disorderly. But the founding of a nation in

a new country must always present such hard conditions. Hence we have the right to claim that the founders whom we love to honor were uncommon men, who understood very well the hard conditions and met them with wisdom, patience and steadfastness of no common order and endured to the end.

Chancellor Kent once said that "Dutch Colonial annals are of a tame and pacific character and generally dry and uninteresting." I suppose that that might be said of the lives of most of us to-day, with possibly a conspicuous exception of brilliant achievement here and there. Men may live very respectable and very useful lives that are also very tame and very pacific and not interesting to very many others. But social science, which is the knowledge of the art of living together, is quite as interesting after all as the art of war; and the homely annals of some very homely things that happened serve to make the founders real. One thing is certain. They had their troubles and the kind of trouble they had was not so different from ours but that we can recognize the mark of our kinship.

The town of New Amsterdam, as the founders knew it, was a little place, its scattered wooden houses occupying the triangle of ground between the rivers from its southern point at the Battery up to the city wall at Wall street on the north. As Steendam, the first poet of New York, praised it in 1659: "For I dare proclaim that no one can name a better land than that which I possess. See, my garden lies on two streams which come from the East and from the North and pour into the sea here, rich in fish beyond compare. Milk and butter, and fruit which no one can overestimate, every vegetable which could be desired, and the best grain known." He was writing the "Complaint of New Amsterdam," and goes on to show that these fair regions are being trampled upon by "the swine," by which libelous designation he distinctly refers to the intrusion of English settlers from New England, and concludes his poem by declaring that if a sufficient number of colonists could be sent over, New Amsterdam would supply her mother's kitchen with everything it might need.

Though the town was small, it was the landing place for ships and commanded the approach to a goodly territory stretching up and down the coast and inland so far as to occasion great dispute as to its true limits. Its governor was director-general of

a province as well as mayor of a city. His style and title were prodigious and reached out over sea and land, claiming everything. Here is an example of the opening words of a governor's proclamation :

"I, Petrus Stuyvesant, Director General of New Netherland and the Islands thereto pertaining, Captain and Commander of the Company's ships and yachts in West India cruising, to all who may see or hear these presents read, greeting." You will notice, too, that his allegiance is not so much to the crown of Holland as to the Company, for the whole enterprise was commercial in its character. This doughty governor was one of the most picturesque figures of our early history. His memory has the rare good fortune to be embalmed in literature in the fascinating fiction of Diedrich Knickerbocker, so that his posthumous honors are even greater than any enjoyed by their original while living. We are familiar with his sturdy form and dignified carriage as he stumped about the city streets on his wooden leg with its silver bands, and we sympathize with his woes when forced to surrender his province to the ships of the Duke of York. An epitaph written for the governor by Rev. Henricus Selyns begins : "Stuyft niet te seer in't sandt, want daer leyt Stuyvesant." Here is a play upon the name : "Stuyven," to stir ; "sandt," the sand. The verse is thus translated :

"Stir not the sand too much, for there lies Stuyvesant,

"Who erst commander was of all New Netherland.

"Freely or no, unto the foe the land did he give over.

"If grief and sorrow any hearts do smite, his heart

"Did die a thousand deaths and undergo a smart

"Insufferable. At first, too rich; at last, too pauvre."

The great words that introduce his proclamation, to which reference has been made, seem to reveal a certain personal grandeur of authority calculated to overwhelm every evildoer. It was issued within a week of his arrival from Europe. The first Sunday must have been unpleasant and his worship disturbed. We read on : "Whereas we have experienced the insolence of some of our inhabitants when drunk, their quarreling, fighting and hitting each other even on the Lord's day of rest, of which we have ourselves witnessed the painful example last Sunday, in contravention of law, to the contempt and disgrace of our person and office, to the annoyance of our neighbors and to the

disregard, nay contempt of God's holy laws and ordinances which command us to keep holy in His honor, His day of rest, the Sabbath, and forbids all bodily injury and murder, as well as the means and inducements leading thereto."

Notice in this a number of interesting points, the personal watchfulness of the governor, roused by his own experience of insolence, citing reasons for his resentment and in this order: 1 Contravention of law; 2, disgrace to his person and office; 3, annoyance of neighbors; 4, contempt of the Divine law and a clear recognition of the fact that inducements to violence and murder are forbidden as well as the doing of it.

Now, the Dutch were not Prohibitionists nor ascetics. They were not even Puritans. They appreciated to the full the blessing of all creature comforts as commonly accepted and loved their schnapps and understood as well as the Boston people the value of rum discreetly sold and its mechanical power when judiciously used. You recall Dr. Holmes' lines on lending a silver punch bowl, picturing Miles Standish as he "stirred the posset with his sword:"

"He poured the fiery Hollands in—the man that never  
feared,  
He took a long and solemn draught and wiped his yellow  
beard.  
And one by one the musketeers, the men that fought and  
prayed,  
All drank as 'twere his mother's milk and not a man afraid.  
That night, affrighted from his nest, the screaming eagle  
flew,  
He heard the Pequot's ringing whoop, the soldiers' wild  
halloo,  
And there the Sachem learned the rule he taught to kith  
and kin,  
Run from the white man when you find he smells of Holland  
gin."

\* \* \* \* \*

"A hundred years and fifty more have passed \* \* \*  
When once again the bowl was filled, but not in mirth or joy;  
'Twas mingled by a mother's hand to cheer her parting boy.  
Drink, John, she said, 'twill do you good, poor child, you'll  
never bear



This working in the dismal trench, out in the midnight air;  
And if—God bless me—you were hurt, 'twould keep away  
the chill.

So John did drink—and well he wrought that night at  
Bunker Hill.”

From which we might infer that both “founder” and “patriot”  
were interested in this.

We have no reason to suppose that our Dutch ancestors had any prejudice against wine or beer or strong waters. On the contrary, it is eminently probable that many of them had a strong liking for such good gifts of God. But they were, above all things, orderly and in their souls they hated disorder as they hated the arch adversary, and tipping shops made disturbance, so they sought to regulate them—after a fashion—as their children and their children’s children to the tenth and twelfth generation have been doing, and are doing still. But the fashion with which they began must seem to us extremely mild and cautious. First of all, they undertook to forbid Sunday selling. Disorder on the Sabbath was peculiarly obnoxious and disturbed that satisfactory sense, which they liked to cultivate, once a week, of being right with heaven. It was not so much the drink as the disorder which they tried to put under the law. This is the Governor’s word: “Therefore, by advice of the late Director General and of our Council, and to the end that instead of God’s curse falling upon us, we may receive his blessing, we charge, enjoin and order herewith principally all brewers, tapsters and innkeepers, that none of them shall upon the Lord’s day of rest, by us called Sunday, entertain people, tap or draw any wine, beer or strong waters of any kind and under any pretext before two of the clock”—but note here a qualification—“before two of the clock in case there is no preaching or else before four”—and here an exception—“except only to a traveler and those who are daily customers fetching the drinks to their own homes.” Evidently travelers and daily customers carrying home the drinks were still to enjoy their wonted privilege.

And here follows the penalty: “To be deprived of their occupation,” with a fine of six Carolus guilders for every customer found drinking within the specified time; “also a fine of 100 Carolus guilders for any who draw knives or swords rashly or in anger, or if they have not the money, to be employed in the

most menial labor for half a year with bread and water for their food." This was in May, 1647.

The first ordinance against the selling of wine, beer and strong waters at unseemly hours on Sundays was followed by many more along the same line. The next but one, in July of the same year, begins:

"Whereas daily a great deal of strong liquor is sold to Indians, which before now has caused great difficulties to the country \* \* \* we forbid all tapsters and other inhabitants henceforth to sell any wine, beer or liquors to the savages, to draw for them or give it in barter in any manner or form or under any pretext whatsoever, or to have it fetched away in a mug and thus let it come to the Indians by the third or fourth hand, directly or indirectly."

And a little farther on, in March, 1648, is a series of eight distinct articles regulating the taproom, tavern or inn, beginning:

"Whereas we see and are informed that our former orders are not obeyed," and the good governor goes on to suggest some possible but very unworthy reasons for disobedience; because "this way of earning a living and the easily made profits therefrom please many and divert them from their first calling, trade or occupation, so that they become tapsters and that one full fourth of the city of New Amsterdam has been turned into taverns for the sale of brandy, tobacco and beer." This is a sorry picture, and the mischief and danger of the situation is graphically set forth in the remainder of the document, which I will not stop to quote.

A little further on it is decreed that any one who sells, barter or gives strong drink to an Indian shall suffer corporal punishment.

We find an ordinance of ten years later stating that the formerly issued and several times renewed ordinances and proclamations against "unseasonable tapping on the Sabbath and at night after the guard has been mounted or the bell has been rung; the dangerous, yes, damnable sale of or treating with wine, beer and strong waters \* \* \* are not regarded and obeyed; to the insult of God's honor, to the injury and disturbance of the peace," etc., and therefore they are repeated with "amplifications": \* \* \* "concerning the very dangerous, damaging and damnable selling or giving of wine or beer to the savages \* \* \*

by which alone almost all the harm has come or at least is threatened and feared, wherever a drunken Indian is seen." The penalty for selling liquor to Indians was fixed at "500 florins fine, bodily punishment as well as banishment from the country."

Thus we see the city fathers wrestling in desperate earnest with this ancient iniquity, so full of peril to their fortunes and themselves.

Yet at the same time or a little later we find the Colonists on the South river, the Delaware, trifling with the very same dangerous and damnable fire. In the Pennsylvania archives is a deed of land given in 1675 by Ossawatt, an Indian, "in consideration of two match coats, two guns, two kettles, two axes, two knives, two hoes, two looking glasses, two double handfuls of powder, two half anckers of strong liquors,"—an ancker was 10 gallons, a half ancker would fill a good-sized keg—"two half anckers of strong liquors, two half anckers of strong beere, two awls, two barrs of lead and two needles." With such commodities land was bought and sold and trade carried on with the Indians. The famous deed of William Penn in 1682 is "for wampum, blankets, kettles, coats, shirts, guns, knives, etc., etc. fflower anckers of tobacco, two anckers of Rumme, two anckers of Syder, two anckers of Beere and 300 guilders."

Yet in the year following Penn himself seems to have come to a realizing sense of the issue involved. In 1683, while praising the Indians for their good behavior, he says: "The worst is that they are ye wors for ye Christians \* \* \* some of them admirably sober, though ye Dutch and Sweed and English have by Brandy and Rum almost debauched them all and when Drunk ye most wretched of spectacles often burning and sometimes murdering one another, at which times ye Christians are not without danger as well as fear."

In the same collection is a recorded deed of one Richard Mettanicutt, an Indian, who in 1684 sold land to a white man. He says: "I confess to have received by order of ye said governor one match coat, one pair of stockings and one shert. And I do promise never to molest or trouble any Christians, so called, settled upon any part of ye aforesaid land."

Passing now from the Indian peril and the rum peril, or the still more deadly peril of Indian and rum combined, to the



pleasanter—perhaps we might call it the pastoral—side of pioneer life, we find other interesting illustrations of the art of living together. In the city of Albany there was in 1667 an official called the town herder, whose business it was to take, with the aid of a boy, the cows to pasture, care for them all day and bring them back at night. Among the musty old records of the county is a contract prescribing his duties in detail. These are a few of the items: “The herder shall be holden to guard the cattle at his own expense, also to keep a proper youngster with him to watch the cattle \* \* \* Every morning, from April 20 to November 16, before, or with, the rising of the Sun, he shall blow three times with the horn, and then with the youngster and cattle go out where they can best get feed for the cattle \* \* \* and about a quarter of an hour before the Sun goes down, he shall deliver the cattle at the church.” \* \* \* “If the herder shall be found sitting or drinking in any tavern, he shall each time forfeit ten guilders seewant.” \* \* \* “For his pain he is to receive twenty guilders seewant, for every great beast, or for two heifers in place of a great beast,” etc.

Mrs. Grant, of Laggan, in her “Memoirs of an American Lady,” describes at length the rural charms of Albany. “Every house had its garden, well and a little green behind: before every door a tree was planted, rendered interesting by being coeval with some beloved member of the family: many of their trees were of a prodigious size and extraordinary beauty, but without regularity, every one planting the kind that best pleased him or which he thought would afford most agreeable shade to the open portico at his door, which was surrounded by seats, and ascended by a few steps. It was in these that each domestic group was seated in summer evenings to enjoy the balmy twilight or the serenely clear moonlight. Each family had a cow, fed in the common pasture at the end of the town. In the evening the herd returned all together, of their own accord, with their tinkling bells hung at their necks, along the wide and grassy street, to their wonted sheltering trees, to be milked at their masters’ doors.” \* \* \*

“Nothing could be more pleasing to a simple and benevolent mind than to see thus at one view all the inhabitants of a town, which contains not one very rich or very poor, very knowing or very ignorant, very rude or very polished individual; to see all



these children of nature enjoying in easy indolence and social intercourse 'The cool, the fragrant and the dusky hour' clothed in the plainest habits and with minds as undisguised and artless." I might say, in passing, that this is not the Albany of to-day. But she writes on: "These primitive beings were dispersed in porches, grouped according to similarity of years and inclinations. At one door were the young matrons, at another the elders of the people, at a third the youths and maidens gayly chatting or singing together, while the children played around the trees or waited by the cows for the chief ingredient of their frugal supper, which they generally ate sitting on the steps in the open air."

In the records of the town of Boston may be found some suggestive entries. Thus, "Whereas the wood upon the neck of land towards Roxburie hath this last winter beene disorderly cut up and wasted \* \* \* Mr. Treasurer with the three deacons shall consider whoe have been faultie herein and sette downe what restitution of Wood unto the poore such shall make."

"Item: that whosoever at any publique meeting shall fall into pryvate conference, to the hindering of the publique businesse, shall forfeit for every such offence 12d. to be paid into the cunstable's hands for publique use."

"Item: that none of the members of this congregation or inhabitans among us shall sue one another at the law before that Mr. Henry Vane and the twoe elders Mr. Thomas Ollyver and Thomas Leveritt have had the hearing and desyding of the cause if they can." 30 Nov., 1635.

Returning now to the city of New Amsterdam, we find other dangers menacing the peace of the city. "It has been noticed and seen by the Director General \* \* \* and by the Hon'ble Council that some careless people neglect to have their chimneys properly swept and that they do not take care of their fires, whereby lately fires broke out in two houses and further troubles may be expected in the future, the more so, as most of the houses here in New Amsterdam are built of wood and roofed with reeds, also as in some houses the chimneys are of wood, which is very dangerous." So the wooden chimney is forbidden "henceforth" and fire masters are appointed "to visit whenever they please, the chimneys in all houses between this Fort and

the Fresh Water" (that is, between the Battery and the Collect Pond, from near the present site of the Tombs prison on Center street to Canal street), and ascertain their condition, levy fines for neglect, etc. And the ordinance ends with this pregnant sentence: "And if anybody's house is burned either by negligence or his own fire, he shall pay a fine of 25 florins to be applied as above."

The troubles of drink and carelessness and those caused by Indians good and bad were yet by no means the sum of the difficulties that beset the founders of this good city. The selfishness and greed of a grasping human nature was as manifest in setting the palings on the lines of the gardens of New Amsterdam as in fixing the boundaries of the self-same soil in Broad street or Wall street at the present time.

The following is the Act of the Honorable Council in 1647 :

"As we have seen and remarked the disorderly manner, hitherto and now daily practiced in building and erecting houses, in extending lots far beyond their boundaries, in placing pig pens on the public roads and streets, in neglecting the cultivation of granted lots, the Director General Petrus Stuyvesant and Council have deemed it advisable to decide upon the appointment of three surveyors \* \* \* whom we hereby authorize and empower to condemn all improper and disorderly buildings, fences, palisades, post, rails, etc., and to prevent their erection in future. We, therefore, command and warn all and everybody of our subjects, who henceforth intend to build or put palisades around their gardens or lots in or near the city of New Amsterdam that nobody shall do or undertake it without previous knowledge, consent of and inspection by the above-named appointed surveyors, under a penalty of 25 Carolus guilders and destruction of what may have been built or set up."

There was trouble also from traders whose enterprise led them beyond the bounds of prudence: "Whereas \* \* \* several private, trading to the South and licensed by this government go with their cargoes of linen, wampum, and other wares inland to the Minguaes' country, whereby trade is not only spoiled, but also great damage is done to the traders, who remain with their vessels at the usual trading places and whereby the Indians might be induced for the sake of the goods to kill and slay such persons, which would bring mishap and war upon this country—

Therefore for the best service and interest of the West India Company and of this district, we forbid and command, as we hereby do, that henceforth none of our inhabitants shall go inland with his cargoes or other wares."

But the great trial of the city seems to have been caused by the unruly conduct of the goats and swine. It is thus set forth in 1648: "Whereas the Honble Director General & Council of New Netherland daily see" (and this personal observation is very noteworthy) "that the goats and hogs are doing great damage in orchards, gardens and other places around Fort Amsterdam, which not only prevents the cultivation of fine orchards and the improvement of lots, but is also an injury to many private parties—Therefore they \* \* \* order that henceforth no hogs or goats shall be pastured or kept between Fort New Amsterdam and its vicinity and the Fresh Water unless within the fences of the owners, so made, that the goats cannot jump over and damage any one." \* \* \*

Here is a complaint of another sort bearing on the labor question: "Great complaints are daily made to the Director General and Council by the Indians or natives, that some inhabitants of New Netherland set the natives to work and use them in their service, but let them go unrewarded after the work is done and refuse, contrary to all international law, to pay the savages for their labors. These Indians threaten that \* \* \* they will make themselves paid or recover their remunerations by improper means."

Therefore all inhabitants owing anything to an Indian are warned to pay without dispute.

Inhabitants who have received lots are warned that they must improve and build houses upon them without delay.

Bakers are warned not to sell the fine white bread to Indians till the good inhabitants are supplied.

In 1650 the trouble of the hogs appears again in these terms:

"Experience has shown that this decayed fortress, formerly in fair condition, has mostly been trodden down by hogs, goats and sheep and we are now engaged, in obedience to the orders of our masters and patroons, in repairing the same, but it is to be feared that the fort may again be damaged by goats, sheep, hogs or other animals climbing upon the walls—Therefore \* \* \* they hereby warn all and every inhabitant of the place not to



allow hogs, sheep, goats, horses or cows to run free between the Fort, the Company's Brewery at the end of the Heeren wegh \* \* \* and the house of Master Isaac Allerton \* \* \* under a fine of 6 fl. for the first time for each \* \* \* twice as much the second time and confiscation of all for the third time."

In 1658 appears this: "Furthermore as the roads and streets of this city are by the constant rooting of the hogs made unfit for driving over in wagons and carts, the Burgomasters and schepens order that every owner of hogs in or about the city shall put a ring through the noses of their hogs to prevent them from rooting."

And in still another place in 1653 Petrus Stuyvesant says: "We see to our trouble and shame the pigs daily on the walls, busy with their destruction."

This trouble with the pig was not confined to New Amsterdam. Boston in 1634 enacted "that noe swine above 12 weekeould shall be suffered to go att libertie on the necke." And in 1638 "also it is ordered that every inhabitant amongst us shall forthwith ring and yoake their swine \* \* \* upon paine of every swine found abroad unrunng and unyoked \* \* \* for every time so taken 11s. 6d."

Such were some of the homely and stupid trials of the founders who were gradually and steadfastly bringing into shape the shapeless elements of life in a new country. The patriots of the revolution had their trials, too, and we have ours. And, after all, they are much alike.

The old problems are the new problems. The drink, the carelessness and imprudence of easy-going citizens, the disregard of one another's rights, the grasping for land and for everything else in reach and—the swine—have not disappeared. The real animal hog wallowing in the gutters of Manhattan was a familiar sight to me when I was a boy. They tell me that in the light of a better civilization he has vanished from the streets. But in other forms he survives. He is not confined to the purlieus of Chatham street. He has moved from Five Points to Fifth avenue. Unrunng and unyoked, he roots upon the walls along the very same Wall street. He rides in an auto-car and riots on the Exchange; now wrecking a railroad or organizing a "predatory corporation" or working a political machine for all it is worth. Then, in search of new worlds to conquer, he wanders



up the river, scattering dynamite along the Palisades, blasting the cliffs of Hook Mountain and Storm King, and will find no rest till he has drained Niagara.

Where there were hundreds of people then there are millions now. We must live together and prosper or suffer together. The advances we have made, measured by great achievements and noble monuments, have been marvelous. The heart of the people is sound and their hands are strong. And still, like our fathers, we are continually repairing the fort, striving to make more strong and more shapely the bulwarks of virtue, good order and national strength ; and continually the beasts—sheep, goats and hogs—are climbing on the walls and trampling them down. This civic conflict between vice and virtue, greed and honor, is forever on foot.

We honor the founders for the noble stand they made and for the substantial success they gained. May we be found not less worthy as their successors in standing for all that is right and honorable. In this way alone can we prove our title to our heritage.













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